

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUL 19 2007

ANNE R. LARSEN, CLERK
DEPUTY
YAKIMA, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

1 CITY OF PASCO,
2 a Washington municipal corporation, }
3 Plaintiff, }
4 vs. }
5 BONNEVILLE POWER
6 ADMINISTRATION, an agency of }
7 the federal government, ET AL., }
8 Defendants. }

17 **BEFORE THE COURT** is the Plaintiff's "Motion For Order Of Dismissal
18 With Prejudice And Without Costs" (Ct. Rec. 82). This matter had been set for oral
19 argument on July 30, 2007, but the court will vacate that oral argument and exercise
20 its discretion to hear the motion without oral argument. LR 7.1(h)(3).

21 This motion follows a settlement between the principal parties, Plaintiff City
22 of Pasco and Defendants Bonneville Power Administration and Franklin County
23 Public Utility District, as reflected in a Memorandum of Understanding executed by
24 them in March 2007. (Ex. B to Declaration of David L. Broom, Ct. Rec. 84). The
25 purpose of the motion is to provide notice of the settlement to other named defendants
26 and to other individuals who have an ownership interest in any of the properties
27 affected by the settlement. The motion provides an opportunity for them to register
28 any objection to the settlement.

ORDER OF DISMISSAL-

1 The motion was filed on June 22 and no responses have been filed. Pursuant
2 to LR 7.1(c), responses must be filed in eleven (11) calendar days. Because of the
3 fact that no responses have been timely filed, the court will enter the order of
4 dismissal now and avoid the time and expense which would be incurred in holding
5 an in-court hearing which most likely would be perfunctory in nature. As reflected
6 in the documents attached to the Declaration of David L. Broom (Ct. Rec. 84), all of
7 the defendants and the other individuals who have an ownership interest in the
8 properties affected by the settlement have been provided with all of the necessary
9 information about the settlement and have had an adequate opportunity to inquire
10 about and register any objection to the settlement.

11 Plaintiff's "Motion For Order Of Dismissal With Prejudice And Without
12 Costs" (Ct. Rec. 82) is **GRANTED** and the captioned action is **DISMISSED with**
13 **prejudice** and without costs to any party. The July 30, 2007 in-court hearing is
14 **VACATED**.

15 **IT IS SO ORDERED.** The District Executive is directed to enter this order
16 and forward copies to all counsel of record **and to each of the individuals and**
17 **entities listed as non-CM/ECF participants on pages 4-6 of Plaintiff's motion.**

18 || **DATED** this 12 of July, 2007.

ALAN A. McDONALD
Senior United States District Judge